

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NIRVA SANCHEZ and GERARDO SANCHEZ,

Plaintiffs,

- against -

ORDER
10 CV 3641 (CBA)(LB)

AZZAM ABDERRAHMAN, AZZM JOHN/
JANE DOE 1-20, TARA ANGLIN MAROLLA,
SMITH, BUSS AND JACOBS LLP, JOHN J.
MALLEY, YONKERS LAW FIRM JOHN/
JANE DOES 1-20, RACHEL HAQUE, JOHN
G. ANGELET, ROY R. SPELLS, MARIA
FLORES, KIM VALENTIN, RODNEY
MCLEAN, FOUNDRY CONDOMINIUM
ASSOCIATION, BOARD OF MANAGERS,
*as Agent for the Foundry Condominium
Association Board John/Jane Does 1-20,*
WESTCHESTER COURT SERVICE-FOX
ADVERTISING, INC., KENNETH R.
JACOBS, ALBERT WEISS, HERMAN
FRUEND, and PERCY GOLMAN,

Defendants.

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BLOOM, United States Magistrate Judge:

Plaintiffs inform the Court that they have served all defendants except for two and request an extension of time to serve defendants Abderrahman and Walentin. (Docket Entry 6.) The day before plaintiffs filed the instant request, the Court recommended that plaintiffs' amended complaint should be dismissed without prejudice under Rule 4(m) of the Federal Rules of Civil Procedure for plaintiffs' failure to file proof that defendants were served with process by December 7, 2010 or show good cause why service had not been made on defendants. (Docket Entry 5.) In an abundance of caution, the Report and Recommendation is withdrawn.

Although plaintiffs state that they have served all defendants except for Abderrahman and Walentin, plaintiffs have not filed proof of such service as required by Rule 4(l) of the Federal Rules of Civil Procedure. The Court hereby grants plaintiffs' request for an extension of time to serve defendants. Plaintiffs shall serve defendants with the summons and amended complaint by January 31, 2011, and shall file proof with the Court that defendants have been served. If plaintiffs fail to serve defendants by January 31, 2011 or fail to show good cause why defendants have not been served, I will recommend that the Court should dismiss this action without prejudice.

SO ORDERED.

/Signed by Judge Lois Bloom/


LOIS BLOOM

United States Magistrate Judge

Dated: December 17, 2010
Brooklyn, New York